

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Cheri Lafferty**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the town of Hay River in the Northwest Territories**.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

- and -

**CHERI LAFFERTY**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$685.36 (six hundred eighty-five dollars thirty-six cents) in minimum monthly installments of \$75.00 (seventy-five dollars) starting in August 2014 and each month thereafter until the rental arrears are paid in full.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as 6 Dessy Place in Hay River, Northwest Territories, will terminate October 31, 2014, and the respondent must vacate the rental premises on or before that date, unless the monthly rent and minimum monthly payments towards rental arrears for the months of August, September, and October 2014 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 24th day of July 2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Cheri Lafferty**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

AND IN THE MATTER of a Hearing before **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

-and-

**CHERI LAFFERTY**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>July 18, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Hay River, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Willa-Jean Conroy, representing the applicant Cheri Lafferty, respondent</b>
<b><u>Date of Decision:</u></b>	<b>July 18, 2014</b>

**REASONS FOR DECISION**

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Cheri Lafferty as the respondent/tenant was filed by the Rental Office May 23, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 6 Dessy Place in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent May 27, 2014.

The applicant alleged the respondent has accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for July 18, 2014. Ms. Willa-Jean Conroy appeared representing the applicant; Ms. Cheri Lafferty appeared as respondent.

Ms. Conroy testified that Ms. Lafferty has been a tenant in subsidized public housing at 6 Dessy Place in Hay River, Northwest Territories, since April 1, 2010. At the time of filing the application to a rental officer, Ms. Lafferty had accumulated rental arrears in the amount of \$1,003.56 representing outstanding rent for the months of October 2013 to May 2014. Since filing of the application, Ms. Lafferty has reduced her rental arrears to \$685.36 representing outstanding rent for the months of January to July 2014. The monthly rent for subsidized public housing is assessed based on reported household income and has changed from a high in October 2013 of \$610 to a low of \$80 in March 2014; the assessed monthly rent has stabilized at \$80 since March 2014.

Ms. Lafferty did not dispute the amount of rental arrears alleged. She indicated her regular monthly income consists of child tax and GST payments; the custody payments she is supposed to be getting are not received on a regular basis. This has made it difficult for her to meet her rent payment obligations. Ms. Lafferty offered to enter into a payment plan of monthly payments in the amount of \$75 per month to resolve her rental arrears.

Ms. Conroy was not opposed to the inclusion of a payment plan in an order for the payment of rental arrears. She also requested an order that future rent be paid on time and conditional termination of the tenancy agreement should Ms. Lafferty fail to pay her rent and arrears payments on time.

*Tenancy agreement*

The residential tenancy agreement between the parties entered into evidence by the applicant is dated April 1, 2010, for the rental premises known as 6 Dessy Place in Hay River. The agreement is for subsidized public housing. Ms. Lafferty did not dispute the tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

*Rental arrears*

The client aged detail and statements of account submitted into evidence by the applicant reflect the landlord's accounting of assessed monthly rent and payments received against the respondent's rent account. Ms. Lafferty did not dispute the accuracy of these documents. I am satisfied the client aged detail and statements of account accurately reflect payments received on Ms. Lafferty's rent account. I find Ms. Lafferty has accumulated rental arrears in the amount of \$685.36.

*Termination of the tenancy agreement*

The client aged detail shows a repeated pattern of failing to pay the full amount of monthly rent on time throughout the tenancy. The respondent has made efforts as best she can to resolve her rental arrears and has offered to enter into a payment plan in order to do so. The applicant has expressed a willingness to conditionally continue the tenancy on this basis. In light of the history of late rent payments and continuous rental arrears, I am satisfied a conditional termination order is justified.

An order will issue requiring Ms. Cheri Lafferty to pay rental arrears in the amount of \$685.36 in minimum monthly installments of \$75 starting in August 2014 and every month thereafter until the rental arrears are paid in full, requiring Ms. Lafferty to pay her rent on time in the future, and terminating the tenancy agreement October 31, 2014, unless the monthly rent and rental arrears payments for August, September, and October are paid on time.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Statement of facts dated May 14, 2014
- Exhibit 2: Residential tenancy agreement fixed term lease dated April 1, 2010
- Exhibit 3: Residential tenancy agreement fixed term lease dated April 1, 2009
- Exhibit 4: Applicant's statement dated May 8, 2014
- Exhibit 5: Applicant's statement dated April 22, 2014
- Exhibit 6: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated April 9, 2014
- Exhibit 7: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated March 24, 2014
- Exhibit 8: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated March 7, 2014
- Exhibit 9: Agreement to pay rental arrears dated November 5, 2013
- Exhibit 10: Applicant's overdue account correspondence to respondent dated February 24, 2014
- Exhibit 11: Applicant's overdue account correspondence to respondent dated February 10, 2014
- Exhibit 12: Applicant's overdue account correspondence to respondent dated January 20, 2013
- Exhibit 13: Applicant's correspondence to respondent dated January 13, 2014
- Exhibit 14: Applicant's overdue account correspondence to respondent dated January 6, 2013
- Exhibit 15: Applicant's overdue account correspondence to respondent dated December 11, 2013
- Exhibit 16: Applicant's overdue account correspondence to respondent dated November 25,

2013

- Exhibit 17: Applicant's overdue account correspondence to respondent dated November 12, 2013
- Exhibit 18: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated October 21, 2013
- Exhibit 19: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated October 8, 2013
- Exhibit 20: Applicant's outstanding rental arrears correspondence to respondent dated September 24, 2013
- Exhibit 21: Applicant's statement dated September 10, 2013
- Exhibit 22: Arrears payment agreement (promissory note) made between parties March 13, 2013
- Exhibit 23: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated August 23, 2013
- Exhibit 24: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated August 13, 2013
- Exhibit 25: Applicant's overdue account correspondence to respondent dated June 20, 2013
- Exhibit 26: Applicant's overdue rent correspondence to respondent dated May 15, 2013
- Exhibit 27: Applicant's overdue account correspondence to respondent dated April 18, 2013
- Exhibit 28: Applicant's overdue rent correspondence to respondent dated March 13, 2013
- Exhibit 29: Applicant's correspondence to respondent dated February 20, 2013
- Exhibit 30: Applicant's overdue rent correspondence to respondent dated February 13, 2013
- Exhibit 31: Applicant's overdue account correspondence to respondent dated January 16, 2013
- Exhibit 32: Applicant's overdue account correspondence to respondent dated December 12, 2012

- Exhibit 33: Applicant's overdue account correspondence to respondent dated November 16, 2012
- Exhibit 34: Applicant's account arrears correspondence to respondent dated September 17, 2012
- Exhibit 35: Applicant's statement dated September 17, 2012
- Exhibit 36: Applicant's overdue account correspondence to respondent dated August 21, 2012
- Exhibit 37: Applicant's statement dated August 21, 2012
- Exhibit 38: Applicant's overdue account correspondence to respondent dated June 18, 2012
- Exhibit 39: Applicant's statement dated June 18, 2012
- Exhibit 40: Applicant's statement dated May 22, 2012
- Exhibit 41: Applicant's account arrears correspondence to respondent dated March 21, 2012
- Exhibit 42: Applicant's statement dated March 21, 2012
- Exhibit 43: Applicant's correspondence to respondent dated March 5, 2012
- Exhibit 44: Applicant's statement dated February 21, 2012
- Exhibit 45: Applicant's statement dated January 17, 2012
- Exhibit 46: Applicant's account arrears correspondence to respondent dated December 21, 2011
- Exhibit 47: Applicant's statement dated December 21, 2011
- Exhibit 48: Applicant's overdue account correspondence to respondent dated November 22, 2011
- Exhibit 49: Applicant's statement dated November 22, 2011
- Exhibit 50: Applicant's account arrears correspondence to respondent dated October 20, 2011
- Exhibit 51: Applicant's statement dated October 20, 2011
- Exhibit 52: Applicant's statement dated May 14, 2014
- Exhibit 53: Client aged detail as of May 14, 2014



- Exhibit 54: Applicant's notice of termination of tenancy dated May 14, 2014
- Exhibit 55: Applicant's statement dated July 16, 2014
- Exhibit 56: Client aged detail as of July 16, 2014
- Exhibit 57: Applicant's statement dated July 8, 2014
- Exhibit 58: E-mail from Willa-Jean Conroy dated July 19, 2014, confirming service of notice of attendance on respondent
- Exhibit 59: Applicant's statement dated July 18, 2014